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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/993,780	11/16/2001	John J. Daniels	14531.71.4.3	1576
47973 7590 12/05/2007 WORKMAN NYDEGGER/MICROSOFT 1000 EAGLE GATE TOWER 60 EAST SOUTH TEMPLE SALT LAKE CITY, UT 84111			EXAMINER LEE, Y YOUNG	
			ART UNIT 2621	PAPER NUMBER
			MAIL DATE 12/05/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

09/993,780

Applicant(s)

DANIELS, JOHN J.

Examiner

Y. Lee

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 3-7, 15, 37, 39, 40, 44-47, 50, 58, 64-76 and 78 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 3-7, 15, 37, 39, 40, 44-47, 50, 58, 64-76 and 78 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 May 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 10/16/07.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/30/07 has been entered.

### ***Drawings***

2. The drawings were received on 5/5/03. These drawings are acceptable.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3-7, 15, 37, 39, 40, 44-47, 50, 58, 64-76, and 78 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schein et al (6,388,714) in view of Klosterman (5,550,576).

Schein et al, in Figures 1-12, discloses an interactive computer system that is substantially the same network server (e.g. 608-612) that communicates over a network 606 with a recording apparatus (e.g. 34, 36) that is configured to record television programs as specified in claims 3-7, 15, 37, 39, 40, 44-47, 50, 58, 64-76, and 78 of the

present invention, a method for enabling the server to control the recording of one or more selected television programs (e.g. Fig. 2) by the recording apparatus, the method comprising the acts of storing a programming schedule at a server (Fig. 11); storing recording control information at the server, the recording control information including at least one record command that is transmittable over a network to a recording apparatus that is configured to record television programming (e.g. Fig. 14); the server receiving a user request (e.g. logging in the website), which is transmitted to the server through the Internet 606, for a webpage containing the programming schedule and that identifies one or more television programs (e.g. 608); in response to the user request, the server providing a user Internet access to the programming schedule in the form of a navigable webpage and from which a particular television program can be selected by the user for recording (e.g. Fig. 12); receiving, at the server, a user selection of the particular television program to be recorded, the selection of the particular television program to be recorded being made from the navigable webpage provided to the user through the Internet (e.g. Fig. 17).

With respect to claims 3, 4, 6, 7, 15, 39, 40, 44-47, 50, 58, 64-67, 69-72, 74-76, and 78, Schein et al also discloses the act of receiving information representing a television signal provider (e.g. 122) that is to broadcast the one or more television programs to be recorded by the interactive television system; prior to the act of receiving information representing a television signal provider 702, the act of transmitting information identifying a plurality of television signal providers (e.g. cable, commercial, etc.) that are capable of broadcasting television programs to the interactive

television system (Fig. 1); wherein the programming schedule includes a time, date and duration of a plurality of television programs, including the particular television program to be recorded (e.g. Figs. 12 and 13); wherein the programming schedule includes transmission source information that identifies at least one of a television broadcast channel (e.g. FOX), a cable channel (e.g. HBO), and a satellite channel 24; wherein the recording apparatus comprises a VCR 34; wherein the recording instructions include the time, date and duration of the particular television program to be recorded (e.g. Figs. 12 and 13); wherein the request for a programming schedule is received at an Internet web site through the use of a conventional Web browser 606; wherein the programming schedule is provided through a web page of the server that is customized for the user 602; wherein prior to providing the programming schedule, user input 462 is received at the web page identifying a television programming provider 702; wherein the programming information is made available to the user based on a determination of at least one of a caller ID, area code and phone number of the user (e.g. modem dial up access); wherein the programming schedule is based on determining a locality of a user's modem (e.g. local access numbers); wherein the locality of the user's modem is determined according to a caller ID (e.g. area code); wherein the locality of the user's modem is determined according to a phone number (e.g. local or 800 access); wherein the recording instructions are inserted in special television channel 604; wherein the recording instructions are received as a binary ASCII-format character string (e.g. digital) that is assigned specific control functions; receiving, at the server, a request from a computing system 10 to access a programming homepage; in response to the

request to access the programming homepage, providing the computing system access to the programming homepage, the programming homepage identifying a plurality of television signal providers 702; receiving, at the server, a selection of an appropriate one of the plurality of television signal providers 702; and in response to the computing system 10 selecting the appropriate television signal provider 702, and upon receiving a request from the computing system 10 for a corresponding program schedule, the server providing the programming schedule (e.g. upon logging in at the website); wherein access to the programming homepage is accessible only after screening a user password (e.g. log in ID); and wherein the recording instructions are received through the Internet 606.

Although Schein et al discloses the particular television program being selected for recording over the network from the server, it is noted Schein et al differs from the present invention in that it fails to particularly disclose the server transmitting recording control information to the recording apparatus in response to the selection as specified in claims 3-7, 15, 37, 39, 40, 44-47, 50, 58, 64-76, and 78. Klosterman however, in Figures 1-4, teaches the concept of such well known technique of transmitting the recording control information comprising recording instructions (e.g. source ID, CH, time, etc.) that are configured to cause the recording apparatus 24 to record the particular television program (e.g. Fig. 2) and such that the recording apparatus 24 will thereafter be set up to record the particular television program, and wherein the recording instructions are transmitted to the recording apparatus 24 through at least one of a television signal and the Internet (e.g. 26-30); wherein the recording instructions are

Art Unit: 2621

embedded in and received with the television signal 26-30; wherein subsequent to downloading recording instructions, and data comprising an end-of VCR control information (e.g. Fig. 4) to the computing system 10.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, having both the references of Schein et al and Klosterman before him/her, to exploit the well known remote control of a recording device as taught by Klosterman in the network server of Schein et al, in order to provide the viewer with a simple, efficient, and economical option of recording desire programs without programming the VCR.

### ***Response to Arguments***

5. Applicant's arguments with respect to claims 3-7, 15, 37, 39, 40, 44-47, 50, 58, 64-76, and 78 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

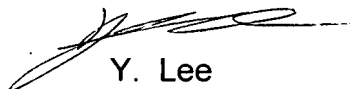
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Y. Lee whose telephone number is (571) 272-7334.

The examiner can normally be reached on (571) 272-7334.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2621

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Y. Lee  
Primary Examiner  
Art Unit 2621

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